

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

DR. ROBERT SICURELLI
and DR. SAMUEL MASYR,

Plaintiffs,

— against —

MEMORANDUM and ORDER

03 CV 4934 (SLT)(KAM)

JENERIC/PENTRON, INC., PENTRON
CLINICAL TECHNOLOGIES, LLC,
PENTRON CORPORATION, INC.
and COLTENE/WHALEDENT, INC.,

Defendants.

-----X

TOWNES, United States District Judge:

On May 29, 2007, the parties in this patent infringement action informed the Court at a status conference that they had reached a settlement agreement. On June 1, 2007, plaintiffs' counsel filed a motion to vacate the Court's orders dated December 30, 2005 and March 14, 2006, awarding sanctions against plaintiffs' counsel pursuant to Fed. R. Civ. P. 30(d)(1). On June 5, 2007, this Court (TOWNES, U.S.D.J.) referred the plaintiffs' motion to Magistrate Judge Kiyo A. Matsumoto for a Report and Recommendation. This Court adopts Judge Matsumoto's Report and Recommendation in its entirety.

A district court judge may designate a magistrate to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. *See* 28 U.S.C. § 636(b)(1). Within ten days of service of the recommendation, any party may file written objections to the magistrate's report. *See id.* Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. *See id.*

The Court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. *See* 28 U.S.C. § 636(b)(1); *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989).

In this case, Judge Matsumoto recommended that the Court deny plaintiffs' motion to vacate the sanctions orders. Objections to Judge Matsumoto's recommendations were due by July 25, 2007. No objections to the Report and Recommendation were filed with this Court. Upon review of the recommendation, this Court adopts and affirms the Report and Recommendation of Magistrate Judge Matsumoto in its entirety. Plaintiffs' motion to vacate the Court's orders dated December 30, 2005, and March 14, 2006, is hereby denied.

SO ORDERED.

Dated: Brooklyn, New York
August 14, 2007

Sandra L. Townes

SANDRA L. TOWNES
United States District Judge